

SENATE BILL REPORT

HB 1179

As of March 16, 2011

Title: An act relating to public employees' attendance at informational or educational meetings regarding legislative issues.

Brief Description: Clarifying that public employees may attend informational or educational meetings regarding legislative issues.

Sponsors: Representatives Hunt, Hudgins, Appleton, Lias, Miloscia, McCoy, Reykdal, Goodman, Darneille, Van De Wege, Upthegrove, Ormsby, Billig, Orwall, Green, Kenney, Dickerson, Santos, Frockt, Tharinger and Moscoso.

Brief History: Passed House: 3/05/11, 97-0.

Committee Activity: Government Operations, Tribal Relations & Elections: 3/15/11.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

Staff: Sharon Swanson (786-7447)

Background: State ethics laws and legislative ethics rules prohibit the use of any person, money, or property under a legislator's official control, direction, or in his or her official custody for the private benefit or gain of the legislator. However, there are exceptions to this prohibition and the Legislative Ethics Board has general rules interpreting the exceptions. For example, if there is no actual cost to the state or the cost is de minimis, if there is a public benefit, and if the use does not interfere with the performance of official duties, then infrequent and incidental use of state resources for private benefit may be permissible.

In addition, a legislator may not use or authorize the use of state facilities, directly or indirectly, for the purpose of assisting a campaign for election of a person to office or for the promotion of or opposition to a ballot proposition. Knowing acquiescence by a legislator with the authority to direct, control, or influence the actions of the state officer or state employee using the public resources constitutes a violation. Facilities of an agency include stationery, office space, publications, and use of state employees. Among the exceptions to this prohibition:

- a legislator may use state facilities for activities that are part of the normal and regular conduct of the office; and

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- he or she may have de minimis use of public facilities incidental to the preparation or delivery of communications.

Summary of Bill: Exceptions are added to state ethics laws regarding the prohibition against (1) the use of public facilities by a legislator or state employee for political purposes; and (2) a legislator's use of a state employee for political purposes during the employee's working hours. These new exceptions have the effect of clarifying the scope of state ethics prohibitions by establishing that:

- state employees are not prohibited from attending an informational or educational meeting regarding legislative issues while accompanied by a legislator or other elected official; and
- state facilities, including state-owned or leased buildings, may be used for informational or educational meetings regarding legislative issues.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: State employees are often invited to attend informational meetings during their lunch hour. This bill clarifies that state employees can attend meetings in state buildings and legislators can also attend but not campaign. This is a good bill that adds clarity to existing law.

Persons Testifying: PRO: Matt Zuvich, Washington Federation of State Employees.